

Senate Bill No. 586

Passed the Senate September 8, 2005

Secretary of the Senate

Passed the Assembly September 8, 2005

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add and repeal Section 60852.3 to the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 586, Romero. High school exit examination: pupils with disabilities.

Existing law requires, commencing with the 2003-04 school year, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Existing law requires that the high school exit examination be offered to individuals with exceptional needs, and that individuals with exceptional needs be administered the examination with appropriate accommodations, where necessary.

Existing law requires the Superintendent of Public Instruction to develop, and the State Board of Education to approve, by January 31, 2004, a request for a proposal for an independent consultant to assess options and provide recommendations for alternatives to the high school exit examination for a pupil with a disability to be eligible for a high school diploma.

Existing law authorizes the governing board of a school district to waive the requirement to successfully pass one or both parts of the high school exit examination for a pupil with a disability if specified requirements are met.

This bill would require a school district to grant a high school diploma to a pupil with a disability, if he or she is scheduled to graduate from high school in 2006 or 2007, does not qualify for that high school exit examination waiver, and meets other specified criteria, including having an individualized education program or other specified plan. The bill would require a school district, consistent with that program or plan, to provide pupils who meet the criteria the opportunity to participate in specified instruction. The bill also would require the school district to report to the Superintendent of Public Instruction regarding the number and characteristics of pupils granted diplomas in this manner. By imposing additional duties on school districts, the bill would impose a state-mandated local program.

The bill would provide for the repeal of its provisions on December 31, 2007.

This bill would declare that the Legislature finds that this act implements the settlement agreement in the case of *Chapman v. California Department of Education, et al.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 60852.3 is added to the Education Code, to read:

60852.3. (a) Notwithstanding any other provision of law, a school district shall grant a high school diploma to a pupil with a disability, if he or she is scheduled to graduate from high school in 2006 or 2007, does not qualify for a waiver pursuant to subdivision (c) of Section 60851, and meets all of the following criteria:

(1) The pupil has an individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 (a)).

(2) According to the individualized education program or the plan of the pupil, that was adopted, or last revised, on or before July 1, 2005, the pupil is scheduled to receive a high school diploma with an anticipated graduation from high school in 2006 or 2007.

(3) The school district certifies that the pupil has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma in 2006 or 2007.

(4) The pupil has attempted to pass the high school exit examination at least twice after grade 10, including at least once during grade 12, with the accommodations or modifications, if

any, specified in the individualized education program or the plan of the pupil, and the pupil did not receive a score of at least 350 on one or both parts of the high school exit examination.

(5) The pupil, or the parent or legal guardian of the pupil if the pupil is a minor, has acknowledged in writing that the pupil is entitled to receive free appropriate public education up to and including the academic year during which the pupil reaches 22 years of age, or until the pupil receives a high school diploma, whichever event occurs first.

(b) Consistent with the requirements of the individualized education program or plan of the pupil, a school district shall provide pupils who meet the criteria in subdivision (a) with the opportunity to participate in remedial or supplemental instruction funded through the annual Budget Act, that is designed to assist pupils to successfully pass the high school exit examination.

(c) Each school district shall report to the Superintendent in a manner prescribed by the Superintendent, regarding the number and characteristics of pupils granted diplomas pursuant to this section.

(d) This section shall remain in effect only until December 31, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before December 31, 2007, deletes or extends that date.

SEC. 2. The Legislature finds and declares that this act implements the settlement agreement in the case of Chapman v. California Department of Education, et al. (Super. Ct., Alameda, No. 2002049636).

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2005

Governor